IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1346 OF 2006

Shri Ramesh Vasant Desai, .. Applicant
Vs
Shri Pradeep Vasant Desai & ors .. Respondents
Shri R.G.Ketkar, for the applicant.
Shri A.M.Kulkarni, for respondent no.1.

CORAM : D.B.BHOSALE, J.

DATED : 14th JUNE, 2006

P.C.:

1. Heard the learned counsel for the parties.

2. This application is directed against the order dated 22.2.2006 passed below Exhibit-277 in Regular Civil Suit No.735 of 2000, by which the applicant-plaintiff has been directed, if he so desires, to move the Honourable High Court for the prayers made in the said application (Exhibit-277). Such observations appear to have been made in view the directions given by this Court vide order dated 12.12.2003, in Writ Petition No.7542 of 2003, to dispose of Regular Civil Suit No.735 of 2000 within the timeframe. Thereafter the time has been extended by this Court to dispose of the suit until 6.3.2006. However till this date the suit has not been disposed of. In view of the said observations, the applicant has filed the instant application. In the application Exhibit-277 the applicant had prayed for hearing of

Regular Civil Suit No.735 of 2000 and Regular Civil Suit Nos.737/2000, 205/2000, 207/2000 and 209/2000 together. It appears that all the five suits between the same parties are pending before the same Court and they were instituted on or about about 13.4.1994 substantially for dissolution of partnership firms and accounts. It appears that even the contesting defendants on 26.8.2003 had made similar request by filing independent applications before the District Court, Sangli. Keeping that in view and considering that in all the five suits parties are same and the suits are for dissolution of partnership firms and accounts, it would be desirable to tag all the five suits together. In the circumstances, I pass the following order.

(i) Regular Civil Suit nos 735/2000,737/2000,205/1994, 207/1994 and 209/1994 pending before the Jt.Civil Judge, Jr Dn, Sangli are tagged together. However, it will be open for the learned Judge to hear and dispose of all the suits together or one after another. The parties shall cooperate disposal of all the suits as expeditiously as possible and preferably within a period of six months from the date of receipt of this order. The learned counsel appearing for the parties fairly state that if any orders are passed on the application filed in all the five suits by either of the parties,

those order/s, being interlocutory order/s, shall not be challenged by way of revision/writ petitions and they would reserve their rights to challenge those orders in appeal against the final judgment in the suits. Their statement is accepted.

(ii) If the learned Magistrate decides to hear all the five suits one after another in that case he shall hear Regular Civil suit No.735 of 2000 first.

(iii) The civil application is disposed of.

(D.B.BHOSALE,J.)